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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CR 07-0428 MMC
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del> ORDER
	)	CONTINUING SENTENCING DATE
v.	)	
	)	
CARMAN CHAN and PAUL LEUNG,	)	
	)	
Defendants.	)	
_____	)	

This matter is currently scheduled for sentencing before this Court on Wednesday, March 18, 2009. For the following reasons, the parties seek to continue sentencing to May 6, 2009.

First, counsel for the United States is scheduled to be in trial before the Honorable Jeffrey S. White in the matter of *United States v. Silva*, CR No. 07-0678 beginning March 16, 2009, and has concerns about her ability to properly prepare for and appear at the currently-scheduled sentencing date. In addition, in reviewing the Draft Presentence Report, the United States determined that there were additional matters to be presented to the Probation Officer by the United States for this Court to have a full understanding of the offense and parties involved.

1 Such information will be simultaneously provided to defense counsel. Because the Probation  
2 Officer is on vacation for the next week, this information cannot be provided to and discussed  
3 with him until his return, after which he may require time to amend the Presentence Report.

4 Second, counsel for defendant Paul Leung has several trials in April and is not available  
5 until the end of April 2009.

6 Third, with the above-referenced issues, the earliest date that all parties are available for  
7 sentencing is May 6, 2009.

8 The defendants are currently out of custody and do not object to this continuance.

9 The Probation Officer does not object to this continuance and is available on the  
10 requested date.

11  
12  
13 SO STIPULATED:

14 JOSEPH P. RUSSONIELLO  
15 United States Attorney

16 DATED: March 2, 2009

17 /s/  
18 DENISE MARIE BARTON  
Assistant United States Attorney

19 DATED: March 2, 2009

20 /s/  
21 GARRICK LEW  
Attorney for CARMAN CHAN

22 DATED: March 2, 2009

23 /s/  
24 MATTHEW SIROKA  
Attorney for PAUL LEUNG

25 SO ORDERED.

26 DATED: March 3, 2009

27   
28 HONORABLE MAXINE M. CHESNEY  
United States District Court Judge